

### **REMARKS**

Claim 1 has been amended to specify a profile for customization by a user, and customizing user-defined functions to be subsequently presented to the user.

Claim 6 has been amended to specify the user-defined functions are made available to the user, said customized profile previously customized by said user.

Claim 11 has been amended to recite a feature recited in claim 1. More specifically, claim 11 has been amended to include the feature whereby the speech user interface subsystem presents one of said plurality of profiles containing the user-defined functions.

The Examiner's specific rejections will now be addressed.

#### **Rejections to claims 1-2, 4-16 and 18-20 under 35 USC 102(b)**

The Examiner rejected independent claims 1, 6 and 11 as being anticipated by International Publication WO 99/14928 (Braman).

Applicant has previously argued that the definition of "function" recited in the present application is necessarily different than the functional definition of the "string" in Braman.

While the Braman access system is used in conjunction with a speech based user interface, Braman never indicates that his speech based user interface can be changed, and instead teaches that a fixed speech based user interface system is used. Page 1, lines 34-36 of Braman states that "*Pre-recorded instructional messages are stored in the memory of the call processing subsystem for instructing a user on his or her progress in using the system.*". This implies that the speech based user interface of Braman is not customizable by the user, since only the system administrator can modify these messages to correspond with any change in the user interface function. While not believed necessary to distinguish over Braman, for clarification purposes Claim 1 has been amended to clarify that the speech based user interface of the present invention is customizable by the user.

Applicant submits that given the context of the presently claimed invention, a person skilled in the art would understand that the feature "user-defined functions" refers to those functions which are made available to the user and customizable by the user, and include modifying the speech based user-interface itself and manipulating the data to be presented to the user, while excluding system access functions.

Accordingly, there is clearly no overlap between the teachings of Braman and the presently claimed subject matter.

Even if Examiner equates the directory entries of Braman with the functions of the present invention (which is not admitted), applicant submits that the system taught by Braman does not *present* the directory entries to the user. Therefore, Braman does not teach or reasonably suggest the limitations of: "providing said profile to said speech based user interface for *presentation* upon subsequent access by the user" (claim 1); "*presenting* said user-defined functions via said customized speech based user interface in accordance with said customized profile" (claim 6); or "a speech user interface subsystem for *presentation* of one of said plurality of profiles" (claim 11).

Furthermore, while not believed necessary to distinguish over Braman, for clarification purposes Claim 6 has been amended to clarify the user defined functions are made available to the user, and the customized profile is previously customized by said user. It is respectfully submitted that claim 6 clearly distinguishes over the Braman reference, for the reasons given.

Therefore, Braman fails to disclose or teach the subject matter recited in claims 1, 6 and 11. Therefore, withdrawal of the Examiner's rejections to claims 1, 6 and 11, and their respective dependent claims, under 35 USC 102(b) is respectfully requested.

With respect to the rejection to claim 2, it is submitted that claim is patentable over Braman at least for the reasons given above. Furthermore, it is respectfully submitted that neither Braman in general, or the specific section cited (page 5, lines 29-30) teach "wherein said step of customizing comprises specifying information *presented* in a status summary" as claimed (emphasis added). With respect, the cited section states " In the preferred embodiment of the present invention, the caller will state the command "PROGRAM." When VAS **retrieves** this

command, it goes into PROGRAM mode.” (emphasis added). We have previously argued that the user defined functions of the claimed invention differ from what is taught by Braman. The respectfully submit that this claim highlights an example of how the examiner’s interpretation is incorrect, both for the claimed subject matter and the teachings of Braman. As argued above, the “user-defined functions” refers to those functions which are made available to the user and customizable by the user. Claim 2 specifies “specifying information *presented* in a status summary”. Clearly this is *presented to* the user. However in the cited passage, the user presents (i.e., states) a command *to the system*.

Clearly the cited passage does not teach the claimed subject matter. Without limiting the generality of the foregoing, the cited passage does not teach “wherein said step of customizing comprises specifying information *presented* in a status summary [upon subsequent access by the user]” as claimed (remembering claim 2 depends on claim 1).

A similar argument applies to claim 7. Thus it is respectfully submitted that the rejection to claims 2 and 7 should be withdrawn.

In view of the novelty of the independent claims, it necessarily follows that the remaining dependent claims are novel and the rejections should be withdrawn.

#### Rejections to claims 3 and 17 under 35 USC 103(a)

The Examiner rejected claims 3 and 17 as being obvious in view of Braman and U.S. Patent No. 6,487,277 (Beyda). Claims 3 and 17 depend indirectly from claim 1 and add further limitations thereto. The Applicant has previously argued claim 1 is novel with respect to Braman. In view of the novelty of claim 1 over Braman, Applicant submits that claims 3 and 17 are unobvious in view of the combination of Braman and Beyda. Therefore, withdrawal of the Examiner’s rejection to claims 3 and 17 under 35 USC 103(a) is respectfully requested.

Accordingly, it is submitted that all of the pending claims are allowable, and a notice of allowance is hereby requested.

We are concurrently filing an authorization for an extension fee and for an RCE fee. We believe no other fee is required. However, if a fee is due, the Commissioner is hereby

authorized to charge any additional fees, and credit any overpayments to Deposit Account No. 501593, in the name of Borden Ladner Gervais LLP.

Applicant submits that the application is now in condition for allowance, and favorable action to that end is respectfully requested.

**The Commissioner is hereby authorized to debit \$450.00 from Deposit Account No. 501593, in the name of Borden Ladner Gervais LLP, representing the fees for a two month extension of time.**

The Commissioner is hereby authorized to charge any additional fees, and credit any over payments to Deposit Account No. 501593, in the name of Borden Ladner Gervais LLP.

Respectfully submitted,

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